



ITW

PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.1315-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Luc GOURLAOUEN et al. ) Group Art Unit: 1614  
 )  
Application No.: 10/814,428 ) Examiner: Ardin H. MARSCHEL  
 )  
Filed: April 1, 2004 ) Confirmation No.: 5713  
 )  
For: COSMETIC DYE COMPOSITION WITH )  
A LIGHTENING EFFECT FOR HUMAN )  
KERATIN MATERIALS, COMPRISING )  
AT LEAST ONE FLUORESCENT DYE )  
AND AT LEAST ONE AMINOSILICONE, )  
AND PROCESS OF DYEING )  
 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, excluding any U.S. Patents and Patent Application Publications, are attached. Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form PTO/SB/08.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed substantive office actions from co-pending applications on the attached IDS Form PTO/SB/08 and has enclosed copies of those documents as well.

With respect to the following non-English language documents listed on the attached IDS Form PTO/SB/08, Applicants provide the following remarks:

1. **JP 2001-302473** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. **JP 2001-516705** - This document is believed to be related to WO 99/013844, which is in English and submitted herewith.
3. **JP 2002-326911** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
4. **JP 2004-307494** - This document is believed to be related to U.S. Patent Publication No. 2004/0258641, cited on the attached IDS Form PTO/SB/08.
5. **JP 2004-307495** - This document is believed to be related to U.S. Patent Publication No. 2005/0008593, cited on the attached IDS Form PTO/SB/08.
6. **JP 9-183714** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

7. **WO 97/18795** - This is the published document for EP 0 808 150. It is believed to be related to U.S. Patent No. 6,106,577, cited on the attached IDS Form PTO/SB/08.

8. **WO 99/36045** - This document is believed to be related to U.S. Patent No. 6,576,024, cited on the attached IDS Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 26, 2007

By:   
Thalia V. Warnement  
Reg. No. 39,064

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

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Application Number

10/814,428

Filing Date

April 1, 2004

First Named Inventor

Luc GOURLAOUEN et al.

Art Unit

1614

Examiner Name

A. MARSCHEL

Attorney Docket Number

05725.1315-00000

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	1	US 4,517,174	05/14/1985	Jacquet et al.	
	2	US 5,316,551	05/31/1994	Wenke	
	3	US 5,961,667	10/05/1999	Doehling et al.	
	4	US 6,001,135	12/14/1999	Rondeau et al.	
	5	US 6,106,577	08/22/2000	Audousset et al.	
	6	US 6,156,077	12/05/2000	Shibata et al.	
	7	US 6,576,024	06/10/2003	Lang et al.	
	8	US 2001/0023514	09/27/2001	Cottard et al.	
	9	US 2002/0034489	03/21/2002	Wiegand et al.	
	10	US 2002/0046431	04/25/2002	Laurent et al.	
	11	US 2003/0019052	01/30/2003	Pratt	
	12	US 2004/0105830	06/03/2004	Boswell et al.	
	13	US 2004/0258641	12/23/2004	Plos et al.	
	14	US 2005/0008593	01/13/2005	Plos et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
	15	EP 1 142 559	10/10/2001	Miyabe et al.		
	16	JP 2001-302473	10/31/2001	Hiroichi		Abstract
	17	JP 2001-516705	10/02/2001	Tian et al.		English Counterpart
	18	JP 2002-326911	11/15/2002	Yukio		Abstract
	19	JP 2004-307494	11/04/2004	Plos et al.		English Counterpart
	20	JP 2004-307495	11/04/2004	Plos et al.		English Counterpart
	21	JP 9-183714	07/15/1997	Baashiaamu et al.		Abstract
	22	WO 97/18795	05/29/1997	Audousset et al.		English Counterpart
	23	WO 99/13844	03/25/1999	Tian et al.		

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	10/814,428
				Filing Date	April 1, 2004
				First Named Inventor	Luc GOURLAOUEN et al.
				Art Unit	1614
				Examiner Name	A. MARSCHEL
Sheet	2	of	2	Attorney Docket Number	05725.1315-00000

FOREIGN PATENT DOCUMENTS					
	24	WO 99/36045	07/22/1999	Lang et al.	English Counterpart

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
	25	English language Derwent Abstract of JP 2001-302473	
	26	English language Derwent Abstract of JP 2002-326911	
	27	English language Derwent Abstract of JP 9-183714	
	28	Mishra, J.K. et al. "Synthesis of some bischromophoric dyes containing nonabsorbing flexible bridge," Indian Journal of Chemistry, Vol. 31B, pp. 118-112, Feb. 1992.	
	29	Office Action mailed April 6, 2006 in co-pending U.S. Application No. 10/742,995 (Attorney Docket No. 05725.1330), Examiner E. Elhilo	
	30	Office Action mailed August 24, 2006 in co-pending U.S. application no. 10/814,305 (Attorney Docket No. 05725.1309), Examiner E. Elhilo	
	31	Office Action mailed August 28, 2006 in co-pending U.S. application no. 10/814,236 (Attorney Docket No. 05725.1317), Examiner E. Elhilo	
	32	Office Action mailed August 28, 2006 in co-pending U.S. application no. 10/814,300 (Attorney Docket No. 05725.1310), Examiner E. Elhilo	
	33	Office Action mailed July 7, 2006, in co-pending U.S. application no. 10/814,585 (Attorney Docket No. 05725.1321), Examiner E. Elhilo.	
	34	Office Action mailed June 21, 2006, in co-pending U.S. application no. 10/814,336 (Attorney Docket No. 05725.1348), Examiner E. Elhilo.	
	35	Office Action mailed June 8 2006, in co-pending U.S. application no. 10/814,430 (Attorney Docket No. 05725.1308), Examiner E. Elhilo.	
	36	Office Action mailed May 26, 2006, in co-pending U.S. application no. 10/490,869 (Attorney Docket No. 05725.1316), Examiner E. Elhilo.	
	37	Office Action mailed May 30, 2006, in co-pending U.S. application no. 10/814,338 (Attorney Docket No. 05725.1318), Examiner E. Elhilo.	
	38	Office Action mailed October 23, 2006 in co-pending U.S. application no. 10/742,995 (Attorney Docket No. 05725.1330), Examiner E. Elhilo	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.